

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM ALFONSO BREED, )  
 ) 2:10-cv-00650-GEB-GGH  
Plaintiff, )  
 )  
v. ) ORDER RE: SETTLEMENT AND  
 ) DISPOSITION  
CITY OF STOCKTON, a governmental )  
entity; THOMAS T. MORRIS, in his )  
capacity as Chief of Police for )  
CITY OF STOCKTON; ROBERT DUBOIS; )  
WALTER E. VANCIL; BENJAMIN )  
CROMWELL; MICHAEL T. SERNA; and )  
GRANT BEDFORD, individually, and )  
in their capacity as police )  
officers for CITY OF STOCKTON, )  
 )  
Defendants. )  
\_\_\_\_\_ )

On March 21, 2012, counsel for Defendants sent my Courtroom Deputy an email, in which he stated in relevant part as follows:

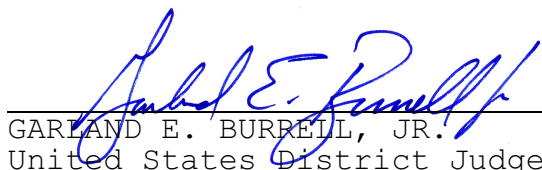
I wanted to let the court know that we are in the process of resolving the Breed case, and thus will not be going to trial in your court on April 17. Mr. Burris and I are exchanging the paperwork and should be able to submit a dismissal to the court within 45 - 60 days.

My courtroom deputy responded to Defendants' counsel via electronic mail the same day, stating, "A notice of settlement needs to be filed that includes this information." The two March 21, 2012, emails are attached to this order.


1 No Notice of Settlement was filed as requested. However, in  
2 light of defense counsel's representations, the trial scheduled to  
3 commence on April 17, 2012, is vacated. A dispositional document shall  
4 be filed no later than May 28, 2012. Failure to respond by this deadline  
5 may be construed as consent to dismissal of this action without  
6 prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b)  
7 ("A failure to file dispositional papers on the date prescribed by the  
8 Court may be grounds for sanctions.").

9 Further, a status conference is scheduled to commence at 9:00  
10 a.m. on June 25, 2012, in the event no dispositional document is filed,  
11 or if this action is not otherwise dismissed. A joint status report  
12 shall be filed fourteen (14) days prior to the status conference.

13 Dated: April 5, 2012

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16 GARLAND E. BURRELL, JR.  
17 United States District Judge  
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**Re: Breed v. Stockton (#2:10-cv-00650 GEB GGH)** 

**Shani Furstenau** to: Bruce Kilday

03/21/2012 11:46 AM

Thank you for letting me know. A notice of settlement needs to be filed that includes this information.  
Thank you.

"Bruce Kilday"

Good morning, Shani, I wanted to let the court...

03/21/2012 11:45:02 AM

From: "Bruce Kilday" <bkilday@akk-law.com>  
To: <sfurstenau@caed.uscourts.gov>  
Cc: "Melanie Fitzpatrick" <mfitzpatrick@akk-law.com>, <kowen@caed.uscourts.gov>, <arlene.branch@johnburrislaw.com>, <john.burris@JohnBurrislaw.com>  
Date: 03/21/2012 11:45 AM  
Subject: Breed v. Stockton (#2:10-cv-00650 GEB GGH)

Good morning, Shani,

I wanted to let the court know that we are in the process of resolving the Breed case, and thus will not be going to trial in your court on April 17. Mr. Burris and I are exchanging the paperwork and should be able to submit a dismissal to the court within 45 - 60 days.

The settlement conference with Judge Delaney was very helpful and established a foundation for our agreement. Please let me know if you have any questions,  
Bruce

Bruce Kilday  
Angelo, Kilday & Kilduff LLP  
601 University Avenue, Suite 150  
Sacramento, CA 95825  
(916) 564-6100

